

## Department of Community Development Staff Report

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**PROPERTY OWNERS:** Brendan M. Jones and Dolly M. Jones

**APPLICANTS:** Brendan M. Jones and Dolly M. Jones

**LOCATION:** 3469 Oak Hill Road, Delaplane

**DISTRICT:** Marshall

**PINS:** 6050-18-3469-000

**ACREAGE:** 5.0 acres

**ZONING:** Rural Agriculture (RA)

**LAND USE:** Rural

**MEETING DATE:** October 1, 2020

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**REQUEST:** SPPT-20-013641: The Applicants are seeking approval of a Category 3 Special Permit for a Tourist Home in accordance with Section 3-303.2 of the Zoning Ordinance.

**OUTSTANDING ISSUES:** The Zoning Ordinance (Section 5-302.3) requires the Board of Zoning Appeals to make a finding that the type and amount of traffic generated by the use, being on a property which does not have the minimum road frontage designated as a Major Collector, will not cause undue impact on neighbors or adversely affect the safety of road usage.

A portion of the existing driveway/parking area is located within the required front yard setback for Oak Hill Road. Per Zoning Ordinance Section 5-302.2 parking for tourist homes cannot be located in a required front yard. Staff has recommended a condition to address this concern.

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### Topic Description:

The Applicants, Brendan and Dolly Jones, are seeking approval of a Category 3 Special Permit to operate a Tourist Home, to be known as Fox Chase Farm at Oak Hill. The existing home, 3,500 square feet, was built in 1989 and is situated on five acres which were originally part of the John

Marshall Estate. The home has four bedrooms and three bathrooms and the Applicants are requesting a maximum occupancy of eight guests. There will be no food provided to guests. There will be two employees, the property owners, who will operate the business and be on call 24/7. The Applicants have indicated that a caretaker will be on-site when guests are present in the home.

The Applicants anticipate the Tourist Home will be occupied by a maximum of eight people, approximately 200 nights annually. The Applicants state that preference will be given to family groups and will also allow dogs to stay. The Applicants believe the property's amenities, historic location and proximity to wineries will draw overnight guests. The property also provides access via a footpath linking the house to the Blue Valley Vineyard and Winery.

### **Site Aerial Map**



### **Location, Zoning and Current Land Use:**

The property is located at 3469 Oak Hill Road, in Delaplane. The 5-acre parcel is zoned Rural Agriculture (RA). The property includes a residential dwelling, a shed and fenced-in area for animals. The property is predominantly open space, except for a small orchard along Oak Hill Road and mature trees and shrubs adjacent to the parking area. The property has frontage along

Grove Lane and Oak Hill Road; driveway access is via Oak Hill Road. The property is served by private well and septic.

### **Location/Zoning Map**



### **Surrounding Area, Zoning and Current Land Use:**

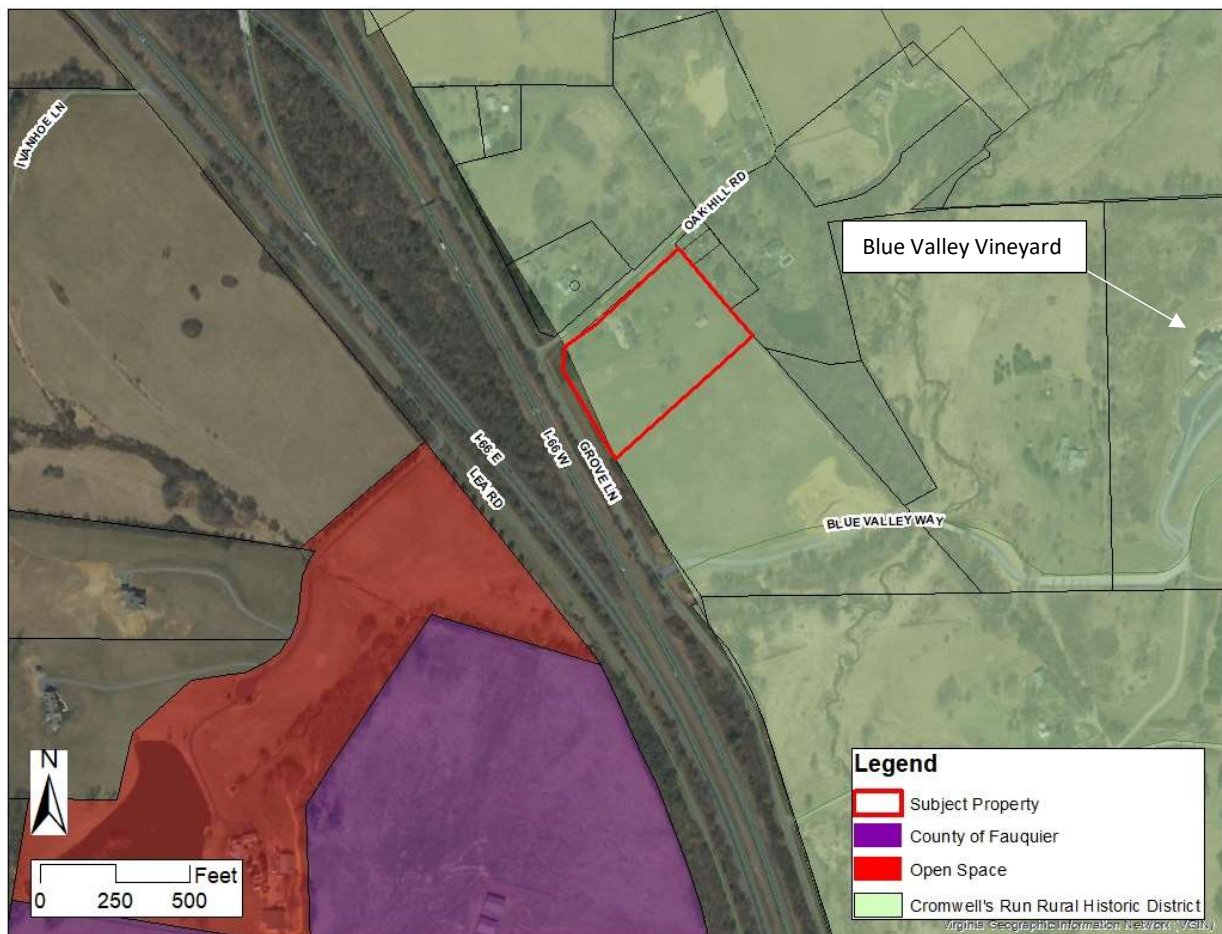
The surrounding properties are zoned Rural Agriculture (RA). These properties generally contain a mix of single-family rural residential and agricultural uses. Blue Valley Vineyard and Winery is adjacent to the subject property and can be accessed via a mowed foot path. Barrel Oak Winery is ¼ mile from the subject property as well. The subject property and surrounding properties are located in the Cromwell Run Road Historic District. The nearby properties to the southwest of the subject property, across I-66 are located in conservation easements.

### **Comprehensive Plan/Land Use:**

The Comprehensive Plan designates the subject property as Rural land, where rural and agricultural uses are sought. Chapter 8, Rural Land Use Plan, of the Comprehensive Plan includes many goals aimed at enhancing and preserving agricultural areas and the rural character of the County. Preservation and protection of environmental, cultural and visual resources, open space

and scenic beauty are also goals of Chapter 8. Pursuant to the Fauquier County Zoning Ordinance, the Board of Zoning Appeals (BZA) is to consider consistency with the Comprehensive Plan when determining whether or not to approve Special Permit requests. With regard to rural property, the chief consideration is compatibility with adjoining agricultural and residential uses. A Tourist Home can be compatible in such an area; however, the Zoning Ordinance requires a Special Permit for the use in the RA district because not all sites are necessarily appropriate for the particular use or special conditions may be required to ensure compatibility with surrounding areas. Staff believes due to the nature of the proposed Tourist Home, the use is consistent with the Comprehensive Plan.

### Surrounding Area Map



### Special Permit Analysis:

The standards below apply to this Special Permit. Following each standard is a staff evaluation in *italics*.

## **5-006 General Standards for Special Permit and Special Exception Uses**

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

*The proposed use appears to be in accordance with the applicable Zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The Applicants will be using an existing home for the Tourist Home; therefore, it is consistent in character with other rural residences in the area. Additionally, the parking area is not readily visible from the road. Therefore, staff does not believe the use will hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.*

2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

*The property is accessed on Oak Hill Road (Route 677) via Grove Lane. Staff believes that due to the limited nature of the business, operating primarily on weekends and holidays, the vehicular traffic will not be hazardous or conflict with the existing traffic. Similarly, VDOT comments indicate no objection to the expected traffic. Pedestrian traffic will be limited to a foot path from the property to the adjoining winery.*

3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.

*Screening is required per Zoning Ordinance 5-302.2, which will be verified during Site Plan review. The Applicants indicated they will provide additional screening along Grove Lane. Staff does not believe any additional landscaping, screening, yard requirements or other limitations are necessary. A condition has been provided requiring the Applicants to plant an evergreen screen along Grove Lane.*

4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

*There are no open space requirements with the proposed use within the RA zoning district.*

5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Low impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.



*Adequate facilities appear to be provided. Staff has recommended a condition that requires demonstration or provision of water and septic facilities prior to establishing the use. This standard will be further addressed during the required Site Plan review.*

6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

*The Applicants did not state any intent to install signs. A condition has been included to ensure compatibility with the rural area.*

7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

*A time limit has not been recommended by staff.*

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

*Staff does not believe that the proposed use will deplete or degrade air quality or surface/groundwater quantity and quality to an extent that would hinder or discourage development of nearby properties. This standard will be further evaluated during the Site Plan process to ensure all applicable regulations are adhered to.*

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

*All applicable standards of the RA zoning districts have been met.*

### **CATEGORY 3 TRANSIENT HOUSING**

#### **5-302 Additional Standards for Tourist Homes and Boarding Houses**

1. Such a use shall provide accommodations for not more than twelve (12) persons.

*The existing house has a total of four bedrooms. The Applicants have requested to use all of the bedrooms, with a maximum occupancy of eight guests. Staff has recommended a condition incorporating the Health Department comments below restricting the maximum occupancy of the proposed use to eight guests.*

2. Off-street parking for the use shall be in accordance with the provisions of Article 7, shall not be located in any required front yard, and shall be effectively screened.

*The proposed parking area is adjacent to the house, screened by existing vegetation. It appears that a portion of the existing driveway and parking area are within the Oak Hill Road required front yard setback (see attached setback exhibit). Staff has proposed a condition requiring the Applicants to modify the current driveway and parking areas as necessary to comply with the Zoning Ordinance. The Applicants have stated their intent to provide additional evergreen screening along Grove Lane.*

3. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

*Oak Hill Road (Route 677) is designated as a Local Road in the Comprehensive Plan. Given the scale of the use and the limitation of eight guests on-site, staff does not believe there will be a significant amount of traffic generated. Vehicle trips associated with the proposed use are anticipated to be similar to those associated with a typical single-family dwelling use.*

4. In Residential and Rural Zoning Districts, the Building(s) so used shall have the exterior appearance of a single family residence and normal residential accessory structures.

*The proposed tourist home is an existing residential structure consistent in character with that of surrounding residential properties; therefore, this standard has been met.*

#### **Agency Comments:**

Staff and appropriate referral agencies have reviewed the application and have the following comments. Staff has noted how the items will be addressed in *italicized* language following the comments.

#### **Zoning:**

1. The property is zoned to the Agriculture (RA) district. Per Section 3-303.2, a Tourist Home is permitted with the approval of a Special Permit and a Site Plan.

*Provided for reference; no action required.*

2. Section 5-006 ***General Standards for Special Permits and Special Exception Uses*** applies to the proposed use; Zoning staff defers to Planning staff in the compliance assessment of these standards.

*Please see staff evaluation above.*

3. Section 5-302 ***Additional Standards for Tourist Homes and Boarding Houses*** applies to the proposed use; Zoning staff defers to Planning staff in the compliance assessment of these standards.

*Please see staff evaluation above*

4. To meet the Zoning Ordinance's definition of a Tourist Home or Boarding House (§15-300) an owner shall reside on the property when the tourist home is open to guests or a caretaker who resides near-by shall be identified.

*The Applicant has indicated that a caretaker will be present. Staff has included a condition to ensure the owner or caretaker is present when the house is being rented.*

5. The subject property has frontage onto two roads, Grove Lane and Oak Hill Road; the subject property is accessed from Oak Hill Road. Oak Hill Road is classified as a Local Road per Chapter 10 of the Comprehensive Plan. Per Section 5-302.3, should the Board of Zoning Appeals approve the request to allow a Tourist Home, the Board must make a finding that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

*Please see staff evaluation above.*

6. Zoning staff notes that as a Local Road, Oak Hill Road has a minimum required front yard of 75 feet, measured from the centerline of Oak Hill Road, where no less than half of the required front yard is located on the property, per Section 3-404.1 and Footnotes 11 and 12. The Applicants must demonstrate the location of the minimum required front yard setback off of both Grove Lane and Oak Hill Road and the location of the proposed parking area, to ensure that the proposed parking area is not located within the required front yard area as is prohibited by Section 5-302, Standard 2.

*A portion of the existing driveway and parking area appears to be inside the front setback for Oak Hill Road (see attached setback exhibit). Staff has included a condition to address this concern.*

7. Should the Board of Zoning Appeals approve the request, site plan approval is required prior to commencement of the use per Section 303.2, and must meet the standards found in Article 12.

*Staff has included a condition addressing this comment.*

8. A Zoning Permit to change the use of the structure will be required prior to the commencement of the Tourist Home use, and after final approval of the required site plan.

*Staff has included a condition addressing this comment.*



9. Health Department verification that the sanitary drainfield is adequate for the proposed use, and that all applicable Health Department requirements have been met, must be provided as a part of the Zoning Permit application.

*Staff has included a condition requiring all applicable Health Department requirements are met.*

10. All exterior lighting associated with the Tourist Home use must conform to the requirements of Article 9, Part 10 of the Zoning Ordinance, and must consist of fully-shielded, full cut-off fixtures.

*Provided for reference; this will be further evaluated during Site Plan review.*

11. All signage associated with the Tourist Home use must conform to the requirements of Article 8, and will require a separate sign permit.

*Provided for reference; this will be further evaluated during Site Plan review.*

12. As a recommendation, the applicant should discuss the proposed use with the Building Official Jeff Morrow, to ensure that all applicable building codes can be met for the proposed use.

*Comment has been provided to the Applicant.*

#### Building Official

No comments for this application.

*Provided for reference; no action required.*

#### Virginia Department of Transportation (VDOT):

1. According to the SOJ, the property will be rented as a full unit and its rooms would not be rented out individually; if that is the case, then VDOT has no comments to offer on the application. However, if the property is rented to multiple parties, then the applicant needs to demonstrate that adequate stopping sight distance along Rte. 677 can be obtained at the entrance in accordance with the VDOT Road Design Manual Access Management Regulations (Appendix F).

*Provided for reference. Staff has recommended a condition that the property be rented as a full unit.*

#### Virginia Department of Health (VDH)

1. Based on the Applicants statement of justification and the lack of any food service at the proposed residential-style rental, it does not appear this facility meets the definition of a “Bed and Breakfast Facility” as defined in 12VAC5-421-10.

*Provided for reference; no action required at this time.*

2. The property's sewage system is approved for maximum eight (8) people.

*Staff has recommended a condition limiting home occupancy to eight (8) people including the caretaker.*

3. No food service shall be provided.

*The Applicant does not plan to provide food service. Staff has recommended a condition prohibiting food service on the property.*